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ARIZONA ATTORNEY GENERAL

Betty B. Sisk, Executive Secretary
Structural Pest Control Board
2207 South 48 Street
Tempe, Arizona 85282

Re: I79-048 (R78-352)

Dear Ms. Sisk:

You have asked whether the failure of a Structural Pest Control Board's licensee to satisfy creditors' demands for payment of debts incurred by the purchase of operational supplies or equipment in a timely manner constitutes cause for license revocation, suspension or nonrenewal pursuant to A.R.S. § 32-2322.1 which prohibits licensees from operating structural pest control businesses "in a faulty, careless or negligent manner". By reviewing the statutory scheme which creates the Structural Pest Control Board and defines its duties, we have concluded that a licensee's failure to pay its bill in a timely fashion would not constitute grounds for discipline under the provision cited.

A.R.S. § 32-2302 explains that the Structural Pest Control Board was established to protect the health and safety of the public from harms which might result if persons not properly trained in the identification and eradication of pests and the application of pesticides were permitted to engage in the structural pest control business. In order to promote the public health and welfare, the Structural Pest Control Board is empowered to license those who engage in the business of structural pest control, A.R.S. § 32-2303, and to revoke, suspend or refuse to renew licenses for the reasons set forth in A.R.S. § 32-2322.

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A.R.S. § 32-2322.1 provides:

The board may revoke, suspend or refuse to renew any license if the board finds that the licensee has committed any of the following acts, each of which is declared to be a violation of this article:

1. Operating such business in a faulty, careless or negligent manner. * * *

While that provision may appear to grant the Board broad authority over the conduct of the licensee's business, we think the provision must be read in conjunction with Title 32, Chapter 22, in its entirety. In light of the purposes to be achieved by the Structural Pest Control Board, we conclude that the Legislature intended that the Board's powers granted by A.R.S. § 32-2322 are to be invoked only when licensees have endangered the public health or safety in the operation of their businesses. Even assuming that the failure to make timely payment of bills incurred in the operation of a licensed activity constitutes faulty, careless or negligent business conduct, it is not the type of misconduct which endangers the public health and welfare.

Sincerely,



BOB CORBIN

Attorney General

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